

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Selection and Appointment

Reemployment Program for Certain Firefighters

Proposed Amendment: N.J.A.C. 4A:4-3.9

Authorized By: Civil Service Commission, Robert M. Czech, Chair/CEO.

Authority: N.J.S.A. 11A:2-6(d) and 11A:4-1 et seq.; and P.L. 2010, c.43.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2011-205.

A public hearing concerning the proposal will be held on:

Tuesday, October 18, 2011 at 3:00 P.M.

Civil Service Commission Room

44 South Clinton Avenue

Trenton, New Jersey

Please call Elizabeth Rosenthal at (609) 984-7140 if you wish to be included on the list of speakers.

Submit written comments by November 18, 2011 to:

Henry Maurer, Director

Merit System Practices and Labor Relations

Civil Service Commission

P.O. Box 312

Trenton, New Jersey 08625-0312

The agency proposal follows:

Summary

P.L. 2010, c. 43, modified the existing reemployment program for laid-off municipal and Federal firefighters, known as the “Rice Bill.” Prior to the change in the law, subject to certain criteria, municipal firefighters who had been laid off or demoted from a firefighter title to a non-firefighter title within the last 36 months, or terminated as a civilian Federal firefighter due to the closure of a Federal military installation in New Jersey within the last 48 months, could be reemployed as a firefighter by a municipality or local fire district. The new law changed the time period for both municipal and Federal firefighters to 60 months to bring it in line with the 60-month period that already applies to law enforcement officers who were laid off or demoted to a non-law enforcement title. See N.J.S.A. 40A:14-180.

Therefore, the Civil Service Commission proposes an amendment to N.J.A.C. 4A:4-3.9, Reemployment program for certain law enforcement officers and firefighters, to reflect the new 60-month time period in paragraphs (b)5 and 6.

As the Commission has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Civil Service Commission anticipates that the proposed amendment would have a positive social impact. As indicated in the Summary above, law enforcement officers who have been laid off or demoted to non-law enforcement titles within 60 months may participate in the Rice Bill program. There is no reason why municipal and civilian Federal firefighters should not have the same benefit, and this principle is reflected in P.L. 2010, c. 43, as well as in this rule proposal. Additionally, the change in time frame would provide municipalities and local fire districts with a more extensive list of experienced firefighters to choose from in providing crucial firefighting services to the public.

Economic Impact

A positive economic impact is expected as a result of the proposed amendment. Municipalities and local fire districts would not only have a longer list of experienced firefighters to choose from but any appointments made would not be subject to training or a working test period, thus saving on the substantial expenditures that normally accompany training and probationary periods. Taxpayers would be the ultimate beneficiaries of such savings. Also, more firefighters would be potentially hired under the Rice Bill, thus expanding employment opportunities for this class of individuals within the State of New Jersey.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendment pertains to civil service employment in State and local government and is not subject to any Federal standards or requirements.

Jobs Impact

It is not anticipated that the proposed amendment would cause the generation or loss of jobs. The proposed amendment would govern reemployment of certain municipal and civilian Federal firefighters in New Jersey civil service.

Agriculture Industry Impact

It is not anticipated that the proposed amendment would have any agriculture industry impact. The proposed amendment would govern reemployment of certain municipal and civilian Federal firefighters in New Jersey civil service.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required since the proposed amendment would have no effect on small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment would govern reemployment of certain laid-off municipal and civilian Federal firefighters in the civil service of State and local government.

Smart Growth Impact

It is not anticipated that the proposed amendment would have any impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan as defined under Executive Order No. 4 (2002).

Housing Affordability Impact Analysis

Since it concerns the reemployment of certain laid-off municipal and civilian Federal firefighters, the proposed amendment would have no impact on the number of housing units or the average cost of housing in New Jersey.

Smart Growth Development Impact Analysis

Since it concerns the reemployment of certain laid-off municipal and civilian Federal firefighters, the proposed amendment would have no impact on new construction within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 3. ELIGIBLE LISTS

4A:4-3.9 Reemployment program for certain law enforcement officers and firefighters

(a) (No change.)

(b) A municipality which has established a fire department as described in N.J.S.A. 40A:14-9.9, or a fire district established in accordance with N.J.S.A. 40A:14-70, may appoint any person to an entry level firefighter title who has:

1. Served as an officer or member, other than a temporary or seasonal officer or member, in good standing, in any fire department or fire district, or as a civilian Federal firefighter in good standing at any Federal military installation in New Jersey;

2. In the case of service with a fire department in a municipality or a fire district operating under Title 11A, New Jersey Statutes, satisfactorily completed a working test period;

3. In the case of service with a fire department in a municipality or a fire district not operating under Title 11A, New Jersey Statutes, satisfactorily completed a comparable, documented probationary period;

4. In the case of service as a civilian Federal firefighter, satisfactorily completed such firefighter training as is required for employment as a civilian Federal firefighter;

5. Except in the case of civilian Federal firefighters, for reasons of economy, efficiency or other related reasons, was laid off, or demoted from a firefighter title to a non-firefighter title, within [36] **60** months prior to the appointment permitted in (b) above; and

6. As a consequence of the closure of a Federal military installation in New Jersey, been terminated as a civilian Federal firefighter within [48] **60** months prior to the appointment permitted in (b) above.